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Hospitals, Napa; Denise Daly, and Jason Gooding*

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RAOUL FLAVIANO,

Plaintiff,

v.

**DEPARTMENT OF STATE HOSPITALS,
NAPA; DENISE DALY; JASON
GOODING; and DOES 1 through 50,
inclusive,,**

Defendants.

3:14-cv-05671 WHA

**STIPULATION AND ~~PROPOSED~~
ORDER EXTENDING APPOINTMENT
OF MEDIATOR AND DEADLINE FOR
CONDUCTING MEDIATION**

Courtroom: Courtroom 8, 19th floor
Judge: The Honorable William Alsup
Trial Date: November 28, 2016
Action Filed: December 30, 2014

IT IS HEREBY STIPULATED, by and between the parties to this action, Plaintiff Raoul Flaviano and Defendants Department of State Hospitals, Napa, Denise Daly, and Jason Gooding through their respective attorneys of record for the parties herein, that the parties agree that the appointment of Peter R. Boutin as the Mediator in this case, pursuant to ADR L.R. 6-3(a), and the deadline for conducting mediation, shall be extended to and including, August 31, 2016, for the following reasons:

An initial telephone conference was held on September 11, 2015, between Peter R. Boutin, the appointed Mediator, David M. Poore ("Poore"), counsel for plaintiff, and Raymond W.

1 Hamilton, ("Hamilton"), counsel for defendants. During the telephone conference, Hamilton
2 advised the two other participants that, as indicated in the Joint Case Management Conference
3 Statement filed by the parties on August 6, 2015, defendants would agree to mediation, but only
4 "if mediation takes place after the court rules on defendants' future motion for summary
5 judgment."¹ Therefore, Hamilton wanted to delay mediation until after liability had been
6 established, which would not occur until the court ruled on defendants' future motion for
7 summary judgment. Upon further conversation, the parties agreed that mediation, and the
8 deadline for conducting mediation, would be extended by stipulation. The Mediator, Peter R.
9 Boutin, also agreed to continue to act as the Mediator in this case, if his appointment, and the
10 deadline for conducting mediation, were to be extended beyond by his normal 90-day
11 appointment, which expired on November 12, 2015. With the permission of Poore, Mr. Boutin
12 was contacted by Hamilton yesterday, January 28, 2016, through his secretary, and he has agreed
13 to continue to act as the Mediator in this matter.

14 Although the last date for dispositive motions is October 6, 2016, per the court's Case
15 Management Order and Reference to ADR Unit for Mediation, dated August 13, 2015, the parties
16 believe that this matter will be ready for mediation on or no later than August 31, 2016, if not
17 well before that date. Therefore, the parties respectfully request that Peter R. Boutin's
18 appointment as Mediator, and the deadline for conducting mediation, be extended by the court to
19 the close of business on August 31, 2016.

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27 ¹ See Joint Case Management Conference Statement, dated August 6, 2015, at p. 8:10-11.
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BROWN & POORE LLP

Dated: January 29, 2016

By: /s/ David M. Poore
DAVID M. POORE, Esq.
Attorneys for Plaintiff Raoul Flaviano

Dated: January 29, 2016

KAMALA D. HARRIS
Attorney General of California
FIEL D. TIGNO
Supervising Deputy Attorney General

By: /s/Raymond W. Hamilton
RAYMOND W. HAMILTON
Deputy Attorney General
*Attorneys for Defendants Department of State
Hospitals, Napa; Denise Daly, and Jason Gooding*

Pursuant to Stipulation, it is so ordered.

Dated: February 1, 2016.



Hon. William Alsup
U.S. District Court Judge